

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

DEC 12 2017

Clerk of Court

United States of America
v.
Bernardo GARCIA
DOB: 1970

Case No. M-17-2258-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/31/2017 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section


Offense Description

18 USC 922(g)(1)


possession of a firearm or ammunition, which has affected
interstate commerce, by an individual having been convicted of a
felony

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.Approved for filing
per order 12/12/17
Complainant's signature
Joshua Wedesky - ATF Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/12/2017
Judge's signatureCity and state: McAllen, TexasU.S. Magistrate Dorina Ramos
Printed name and title

ATTACHMENT A

I, Special Agent Joshua Wedesky, affiant, do hereby depose and state the following:

I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since March 2015.

My duties include the investigation of violations of Federal firearms laws. I know it to be unlawful for any person who has been convicted of a crime punishable by more than one year in prison to possess a firearm.

1. On Tuesday, October 31, 2017, ATF agents executed a Federal search warrant at the residence located at 78 Agua Verde Road, Rio Grande City, Texas 78582. During the execution of the Federal search warrant, agents located a firearm and multiple rounds of ammunition inside of the residence. During the execution of the Federal search warrant, the mother of Bernardo GARCIA was interviewed. During the interview, Paula Garcia made statements denying any knowledge of the firearm found in the residence.

2. The brother of Bernardo GARCIA, Jose Alejandro Garcia, also made statements to law enforcement on October 25, 2017 when Jose Alejandro Garcia was arrested after being found in possession of multiple firearms. After being taken into custody, Jose Alejandro Garcia stated that his brother, Bernardo GARCIA, was staying with his mother at the residence located at 78 Agua Verde Road, Rio Grande City, Texas 78582. Jose Alejandro Garcia also stated that his brother had multiple firearms in his possession, to include a nine (9) millimeter caliber handgun and a .22 magnum caliber handgun.

ATTACHMENT A

3. Prior to the execution of the Federal search warrant, Bernardo GARCIA was taken into custody in the residence pursuant to a Federal arrest warrant (Warrant # 7:07CR285) for a federal supervised release violation. Based on information received from the United States Marshal Service, on August 23, 2017 and September 5, 2017, Bernardo GARCIA violated his mandatory conditions of his Federal Supervised Release by being in possession of cocaine. Bernardo GARCIA also failed to participate in an inpatient treatment program for drug use.

4. A criminal history query revealed that GARCIA has the following felony convictions:

- September 11, 2007, convicted of Felon in Possession of a Firearm, United States District Court – Southern District of Texas. Sentenced to ten (10) years imprisonment in the Federal Bureau of Prisons.

- November 29, 2016, convicted of Evading Arrest or Detention with a Vehicle (Third Degree Felony), 229th Judicial District Court of Starr County, Texas. Sentenced to two (2) years confinement in the Texas Department of Criminal Justice State Jail or Institutional Division.

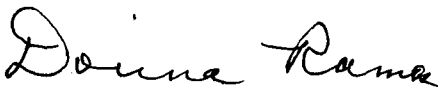
5. Bernardo GARCIA is known to live at the residence located at 78 Ague Verde Road, Rio Grande City, Texas 78582. GARCIA has been arrested at that location on multiple occasions, and has been found to be in possession of firearms at that location during the multiple arrests.

ATTACHMENT A

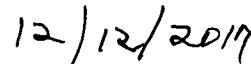
6. An ATF Interstate Nexus Expert was contacted for an Interstate Nexus determination on the firearm located in the residence. The firearm is a Beretta, Pietro S.P.A., Model: 92S, 9mm caliber handgun with serial number: B88278Z. This firearm was located inside the residence in which GARCIA was located and taken into custody. The firearm was found to be manufactured outside of the state of Texas and affects interstate or foreign commerce. The firearm is involved in a violation of 18 USC § 922(g)(1).


Joshua Wedesky - ATF Special Agent

Sworn to before me and subscribed in my presence,



U.S. Magistrate Dorina Ramos



Date